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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,189	09/26/2003	Michael Douglass	53628-00007USPT	9842

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EXAMINER

JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
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2151

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/672,189

Applicant(s)

DOUGLASS ET AL.

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This is a first office action in response to application for patent filed on 09/26/03. Claims 1-27 are presented for examination.

Claim Objections

Claims 1, 2, 8, 14 and 14 are objected to because of the following informalities: These claims recite "adapted to", which is a language that suggests or makes optional but does not require steps to be performed. See MPEP 2111.04 [R-3]. Appropriate correction is required.

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillon et al. ("Dillon") US patent Number 6,546,488).

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As per claim 1, Dillon teaches a UseNet server system (250) comprising: a backend server for storing articles (see fig 10, col. 10 lines 47-65); a first communication link (see fig 10) connected to said backend server; a cluster of servers (fig 2, elements 50 and 55), connected to said first communication link, wherein each server in said cluster of servers is adapted to be in communication with the other servers in said cluster of servers, and wherein at least one of said servers in said cluster of servers is adapted to store retrieved articles from said backend server when said articles are requested by a customer (see col. 4 lines 12-36); a second communication link adapted to provide article requests from at least a first customer to said cluster of servers and adapted to provide at least one of said retrieved articles to said at least one customer (see fig 10; fig 2, col. 4 lines 12-36; col. 6 lines 19-57); and said UseNet server system (250, fig 10) further adapted to retrieve stored articles from said at least one server in said cluster of servers when a first requested article has been previously requested by a second customer and is stored in said at least one server in said cluster of servers.

As per claim 2, Dillon teaches a UseNet server system of claim 1, wherein a second server of said cluster of servers is adapted to retrieve said first requested article from said at least one of said servers in said cluster of servers when said customer requested article has already been requested from said backend servers due to a previous customer request for said first requested article (see col. 4 lines 12-36; col. 6 lines 19-57).

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As per claim 3, Dillon teaches a UseNet server system of claim 1, wherein said retrieved articles stored in said at least one server in said cluster of servers are each stored for a period of time until more storage space is required (see fig 5, col. 9 lines 1-20).

As per claim 4, Dillon teaches a UseNet server system of claim 1, where said retrieved articles stored in said at least one server in said cluster of servers are stored in a memory device that is divided into smaller sized data storage units wherein each data storage unit is dynamically assigned a time interval such that only articles originally posted within said dynamically assigned time interval are stored in each said storage unit (see fig 5, col. 9 lines 1-20).

As per claim 5, Dillon implicitly a UseNet server system of claim 1, wherein said customer requests for articles can be fulfilled by retrieving said requested articles from said at least one server in said cluster of servers for about 20 to 90 percent of said customer requests for articles (see col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 6, Dillon teaches a UseNet server system of claim 1, wherein said first communications link is a TCP/IP communication session (see fig 10, element 255).

As per claim 7, Dillon teaches a UseNet server system of claim 1, wherein said communications link uses a Network News Transfer Protocol (NNTP) (see col. 10 lines

25-27 and 56-59).

As per claim 8, Dillon teaches a UseNet server system of claim 1, wherein each said server in said cluster of servers is adapted to be in communication with the other servers in said cluster of servers via a network connection (see col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 9, Dillon teaches a UseNet server system of claim 8, wherein said network connection comprises at least one of an wired connection, a wireless connection, an optical connection, and a satellite connection or link (see fig 2, 9 and 10; col 6 lines 8-10).

As per claim 10, Dillon teaches a UseNet server system of claim 1, wherein the second communications link is a TCP/IP session (see fig 10).

As per claim 11, Dillon teaches a UseNet server system of claim 1, wherein the second communications link uses a Network News Transfer Protocol (NNTP) (see col. 10 lines 25-27 and 56-59).

As per claim 12, Dillon teaches a UseNet server system of claim 1, wherein said each server in said cluster of servers is a commodity server (see fig 2).

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As per claim 13, Dillon teaches a UseNet server system of claim 1, wherein said backend server and said cluster of servers are geographically distant from each other (col. 4 lines 12-27).

As per claim 14, Dillon teaches an article or data storage and retrieval system comprising: a plurality of servers forming a server cluster, each said server of said plurality of servers having storage space for storing articles and data (fig 2, col. 4 lines 12-36; col. 6 lines 19-57); a communication network allowing each one of said plurality of servers to communicate with each other (see fig 2, 9-10); a backend server comprising storage space for storing articles, said backend server being in communication with said server cluster via a first communication link (see fig 10, col. 10 lines 47-65); a first server of said plurality of servers adapted to accept a request for a first article from a customer (fig 2, col. 4 lines 12-36; col. 6 lines 19-57); said first server, via said communication network, queries said plurality of servers for said first article (fig 2, col. 4 lines 12-36; col. 6 lines 19-57); if said first article is found in one of said plurality of servers storage space, said first article is provided to said first server for delivery to said customer (fig 2, col. 4 lines 12-36; col. 6 lines 19-57); and if said first article is not found in one of said plurality of server, said first server requests said first article from said backend server (fig 2, col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 15, Dillon teaches a system of claim 14, wherein said backend server provides said first article to said first server for delivery to said customer and wherein

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said first server stores said first article in said first server's storage space (fig 2, col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 16, Dillon teaches a system of claim 14, wherein said storage space of each one of said plurality of servers combined provides less article retention than said storage space of said backend server (fig 2, col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 17, Dillon teaches a system of claim 14, wherein when said first server queries said plurality of servers for said first article, said first article is found in one of said plurality of servers at least 20 percent of the time (fig 2, col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 18-21, they have already been discussed above. They are rejected under the same rationale.

As per claim 23, Dillon teaches a system of claim 21, wherein said backend server provides said first article to said first server for delivery to said customer and wherein said first server attempts to store said first article in a first storage space such that, if there are only time interval storage spaces having time intervals newer than a date of said first article, then said first article is not stored in said first server (see fig 5, col. 9 lines 1-20).

As per claim 24, Dillon teaches a system of claim 21, wherein said backend server provides said first article to said first server for delivery to said customer and wherein said first server attempts to store said first article in a first storage space such that, if there are only time interval storage spaces having time intervals older than a date of said first article, then storage space having the oldest time interval is reassigned a time interval that includes said date of said first article and said first article is stored therein (see fig 5, col. 9 lines 1-20).

As per claim 25, Dillon teaches a method for providing news services comprising: providing a local network cluster of news servers(fig 2); caching data and metadata related to news services with said news servers in said local network cluster(fig 2, col. 4 lines 12-36; col. 6 lines 19-57); receiving a request for news services form a client associated with said local network cluster (fig 2, col. 4 lines 12-36; col. 6 lines 19-57); determining whether said requested news services are available from said news servers in said local network cluster (fig 2, col. 4 lines 12-36; col. 6 lines 19-57); if so, retrieving said requested news services from said news servers in said local network cluster and providing said requested news services to said client directly from said local network cluster(fig 2, col. 4 lines 12-36; col. 6 lines 19-57); and if not, creating a session to one of at least one backend server(s) to retrieve said requested news services (fig 2, col. 4 lines 12-36; col. 6 lines 19-57).

As per claim 26, Dillon teaches a method of claim 25, wherein said requested news


services are retrieved from said one backend server in a compressed format (col. 4 line 33 to col. 5 line 33; col. 6 line 19 to col. 7 line 29).

As per claim 27, Dillon teaches a method of claim 25, further comprising: storing said retrieved requested news service; providing said retrieved requested news service to said client; and storing said retrieved requested news service in at least one of said news servers (fig 2, col. 4 lines 12-36; col. 6 lines 19-57).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


FRANTZ B. JEAN
PRIMARY EXAMINER